

 Reply all   Delete  Junk  Block ...

## RE: cross-border elec. transmission lines

 Label: Permanent (Capstone approach) Expires: Never

TT **Timmermann, Timothy**

Mon 9/30/2019 12:51 PM

Curley, Michael; Dierker, Carl; Timmermann, Timothy ✕

    ...

All fair questions but the last time I spoke with DOE on this (well over a year ago and closer to the start of this current administration) DOE basically said they were taking this new approach. They are not saying that they don't need to comply with NEPA, rather they are arguing that the Presidential Permit for the border crossing is a narrow action and that they don't need to do an EIS. I suspect they will document that the action does not result in significant impacts (at the border or something to that effect) and therefore an EA or Categorical Exclusion (CE) is ok. I also suspect they are relying on the Corps NEPA work (a reversal of what we saw for the Northern Pass project). I asked DOE for guidance regarding this change and never got anything...

Mike I should have thanked you for you analysis in my last email.

tt

Timothy L. Timmermann, Director  
Office of Environmental Review  
EPA New England-Region 1  
5 Post Office Square, Suite 100  
Mail Code 06-3  
Boston, MA 02109-3912

Email: [timmermann.timothy@epa.gov](mailto:timmermann.timothy@epa.gov)  
Telephone: 617-918-1025  
E-Fax: 617-918-0025

---

**From:** Curley, Michael <Curley.Michael@epa.gov>  
**Sent:** Monday, September 30, 2019 12:45 PM  
**To:** Timmermann, Timothy <Timmermann.Timothy@epa.gov>; Dierker, Carl <Dierker.Carl@epa.gov>  
**Subject:** RE: cross-border elec. transmission lines

I really know almost nothing about this process, so take this with a grain of salt, but DOE's regs suggest it views itself as having an "obligation to comply with [NEPA] in issuing . . . Presidential Permits." 10 CFR § 205.329(a). DOE regs also provide that "The NEPA process must be completed and approved before [DOE] will issue a Presidential Permit." *Id.* § 205.329(a)(4). Thus, if DOE wants to take the position that its actions in issuing Presidential permits are not subject to NEPA, wouldn't it have to change its regs beforehand?

---

**From:** Timmermann, Timothy <[Timmermann.Timothy@epa.gov](mailto:Timmermann.Timothy@epa.gov)>  
**Sent:** Monday, September 30, 2019 12:27 PM